

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CINDY NUGENT-DAVI,

Plaintiff,

v.

CLARK COUNTY, et al.,

Defendants.

Case No. 2:09-cv-01921-MMD-GWF

ORDER

(Plf.'s Motion to Dismiss
– dkt. no. 102)

Before the Court is Plaintiff Cindy Nugent-Davi's Motion to Dismiss. (Dkt. no. 102.) Nugent-Davi filed this Complaint complaining of civil rights violations arising out of her October 2007 arrest and subsequent detention. On July 23, 2012, Nugent-Davi filed the instant Motion to Dismiss seeking Court dismissal of this case because of her inability to dedicate resources towards its prosecution. Defendant City of Las Vegas does not oppose dismissal of the case.


Nugent-Davi may seek dismissal of this action pursuant to Fed. R. Civ. P. 41(a)(2) if the opposing party has already served an answer. Rule 41(a)(2) provides "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." The decision to grant or deny a request pursuant to Rule 41(a)(2) is within the sound discretion of the trial court and is reviewed only for abuse of discretion. *Sams v. Beech Aircraft Corp.*, 625 F.2d 273, 277 (9th Cir. 1980). Dismissal pursuant to Rule 41(a)(2) should be granted unless the defendant can show that it will suffer some clear legal prejudice as a result. *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001).

1 As no oppositions were filed to Nugent-Davi's Motion, the Court is satisfied that good
2 cause appears to dismiss this suit.

3 IT IS THEREFORE HEREBY ORDERED that Plaintiff Cindy Nugent-Davi's
4 Motion to Dismiss (dkt. no. 102) is GRANTED.

5 The Clerk of Court shall close this close accordingly.

6 DATED THIS 24th day of January 2013.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE